

**District VI Advisory Board
Minutes**
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**Monday
July 6, 2009
6:30 p.m.**

**Evergreen Recreation Center
2700 N. Woodland
Lounge/Clubroom**

The District VI Advisory Board meeting was held at 6:30 p.m. at the Evergreen Recreation Center Lounge Clubroom 2700 N. Woodland. District VI councilwoman led the meeting with six (6) District Advisory Board members in attendance, seven (7) city staff and eighty-three (83) members of the public who signed in.

Members Present

C. Bickley Foster
Charlie Claycomb
Bob Aldrich
Carol Skaff
John VanWalleghen
Jaya Escobar

Members Absent

Bob Schreck
Marsha Carr
Pat Randleas
Bob Wine

Staff Present

Terri Dozal, Neighborhood Assistant
Officer Burnett, Patrol North
Officer Klumpp, Patrol West
Sgt. Salcido, Patrol North
Officer Schwiethale, Patrol South
Bill Longnecker, Planning
John Schlegel, Planning Director

Guests

Listed at end

Council Member Janet Miller called the meeting to order at 6:40 p.m. welcoming everyone and asked members to introduce themselves and state their representation on the board. **Miller** explained the presentation process for the items on the agenda which includes time for public input. We ask for everyone to be respectful and polite when speaking on an item.

Approval of Minutes

The minutes for June 1st were approved as submitted (**Aldrich/Claycomb 6-0**) and minutes for June 17, 2009 were approved with an amendment. (**Aldrich/Skaff/6-0**)

Approval of Agenda

The agenda was approved with an amendment. (**Aldrich/Skaff 6-0**)

Public Agenda

1. **Scheduled items:** None at this time
2. **Off-agenda items:** *Mary Steele, 2638 N. Hood* asked for someone to look into the cars racing down 25th street. People don't pay attention and there is a deaf child sign posted. There are small children in the area and it's dangerous.

*******Action:** Provide comments/take appropriate action.

Staff Presentations

3. **Community Police Report**

Patrol South: *Officer Schwiethale* reported crime had decreased in Old Town. Officers are in discussion with area bars that have outdoor patios. There have been neighborhood complaints about the loud music from outdoor bands. We will be reviewing bar licenses that have outdoor bands and will check on the decibel levels.

Patrol West: *Officer Klumpp* reported there is an increase of complaints about speeding along 13th street. Officers have been monitoring traffic making 80 stops. Because of the stops we have two individuals in custody who we believe have been involved with issues at some bars. **Aldrich** mentioned the clean-up scheduled for July 11th and the Orchard Park Neighborhood Association needed volunteers to assist. **Aldrich** asked about the double homicide in the area and if they had any suspect in custody.

Patrol North: *Officer Burnett* reported with the 25th Street Bridge closed for repair there has been increased traffic in the neighborhoods. On June 26th, officers held a sting to combat drugs and prostitution. 18 arrests were made and some arrested already had prior warrants. On June 1st there were three drive-by shootings and one robbery. All suspects are in custody. For the past months a new program called IMPACT has officers meeting with the neighborhood residents after any major incident to discuss prevention and collect feedback.

Patrol North: Sgt. Salcido introduced himself as the new Community Police Sgt. for the area and said anyone could call him with problems.

Miller stated Community Police officers focus on particular areas and specific problems.

*******Action:** Receive and file

4. **Fire Department Report**

No Fire report was given.

*******Action:** Receive and file

5. **CUP2008-52– DP-18**

John Schlegel, Planning Director presented on this previously heard case for an Amendment #3 to allow a nightclub on property zoned LC Limited Commercial; generally located north of 21st Street North and east of Somerset Avenue (1580 West 21st Street North). The applicant seeks a CUP amendment to allow a nightclub within an existing restaurant located at 1570 W. 21st Street North. The applicant wishes to use 5,000 square feet of the existing restaurant as a nightclub and private rental facility; this space is limited by fire code to a 300 person occupancy. The 5,000 square feet of designated nightclub space is located within a larger 10,600 square foot building. DP-18 does not list nightclubs as a permitted use for this site. Also, the site is located within 60 feet of a church and multi-family residential zoning; these factors require the applicant to request a CUP amendment for a nightclub.

A neighborhood meeting on March 3, 2009 with MAPD staff, Council Member Sharon Fearey and the Wichita Police Department was held regarding this request. From this meeting the following revised three conditions to the CUP Amendment were included to give comfort to the neighbors:

- a) The applicant, or nightclub operator, shall maintain in full force and effect all licenses or permits that are required by any governmental agency for the operation of a nightclub.
- b) City Staff shall provide City Council with a review report of DP-18 Amendment #3 within six months of approval by the City Council. The report shall address conformance to the DP-18 Amendment #3 conditions and any licensing and/or other law enforcement issues that have occurred in that six-month period. The City Council may request further staff reports on DP-18 Amendment #3 conformance with City codes and conditions.
- c) If the Zoning Administrator finds that there is a violation of any of the conditions of the DP-18 Amendment #3, the Zoning Administrator, may, with the concurrence of the Planning Director, declare the DP-18 Amendment #3 null and void.

The Board asked the following questions/comments: *responses in Italics*

- If there is a violation, is there an appeal process to follow? *District court would be the appeal process but this would need discussion first with City Council and the applicant.*
- Does the applicant agree to these conditions? *Yes*
- If the condition is found to be null and void, is there a timeframe to follow. *Once declared null and void the business is closed but they would be given notice of violation before hand.*
- Is there a requirement that 50% of the business needs to remain as a restaurant? *To be a DER (Drinking Establishment Restaurant) they need more than 50% in food sales.*

Questions/comments continued:

- 150 parking spaces outside, how will the nightclub be responsible to maintain parking within their required spots. Nothing is written stating this. *If the patrons are not staying in their required parking area, this would have to be reviewed.*

Miller included the parking issue could be further enforced by the Entertainment Ordinance. This ordinance provides for parking issues.

- Why is this being pushed ahead and not waiting to hear again until after the Entertainment Ordinance was in place?

Miller said this will not go back to the MAPC and there will be no public comment at City Council tomorrow. This meeting had been advertised to the area neighbors for final review.

- 5000 sq. ft. with 300 people this will be a packed room.
- If there is a violation causing the location to no longer be a night club (no dancing), could the owner continue to operate as a DER?

Phil Meyer-Baughman Company representing the landowner stated they were in support of the new conditions included in the staff report. The owner just wants to operate his business and be a community advocate. As you see there are many people here in support for him. With the new conditions the City will have a lot of enforcement power over his business.

Continued DAB questions/comments: *responses in Italics*

- How was the size of occupancy of decided, was this thought thru? *The occupancy was determined per fire code and zoning ordinance.*

Miller asked if there was any way to see if this passes fire code. *Schlegel* responded to attach a condition for reducing occupancy you would need a good reason for it.

- The parking is to Somerset, this better not go behind the building and should be moved more to the middle.

Owner Mario Quiroz, Frida's 1580 W 21st St. N said he was running a clean place and all he is asking is for a chance to run my business. If I rent for private parties I will have a certified Security Company working and I want to make sure my cliental are safe outdoors.

- The public meetings held on March 3rd how were you notified?

Quiroz stated people will feel safe in a nice environment. With the amendments, the City will be watching that I'm doing a good job.

The neighborhood assistant added the people invited to the March 3rd meeting were previous attendees to DAB meetings following the case and the residents who signed the protest petition.

Quiroz continued he is trying to build a network with the community and you see there are many people here to support me.

- Were you at the March 3rd meeting held for the neighborhood? *Yes*
- Where is the 5000 sq. ft. room? *The exact address is 1570 W. 21st St. N.* Can you confine parking more to the East side of the building? *Quiroz* responded if the City allows him to he would.

At this time **Miller** opened for public comment asking that speakers alternate in favor or against the request to get in line to speak. You need to speak about whether or not this is the proper zoning use for this location and if it's an appropriate use for this area? Direct your comments on the use of the facility and not on the character of the applicant.

The following are comments from the public.

- James Patterson: This place has good intentions it doesn't matter what rules are made because people don't follow them. At the March 3rd meeting everyone there was against the club. This is not appropriate for the neighborhood this causes our properties to decline.
- Delova Donovan 1559 Farrell Dr: I'm in favor of the club and dancing based on the three provisions.
- Sandy Alcon-2303 N. Somerset: This is based on land use and not the owner. Lots of people signed the protest petition. Now you have an amendment to make provision for this establishment.
- Ruby Contreras 2345 Arthur: I'm just trying to make a living. I've been here 45 years. Just recently there was a car on fire directly behind this parking lot. I fear for increased violence. The up keep of these grounds behind the building has weeds 6ft high and graffiti on the back wall. I just fear this will all get worse.

- Delia Garcia 2660 Litchfield: I'm in favor of the amendment. This is much more than a night club. This is an opportunity to work and build relationships. Please urge City Council to pass this.
- Robert: Break Through Ministries: I'm opposed to this establishment. We have evening services and children there.
- Anita Mendoza-CDC: I'm in favor of the amendment as this is an opportunity to the neighborhood.
- Leon Salazar 2850 Garland: How would you like to have loud music late at night and then wake up to go to church? There is noise, breaking bottles and people consume large amounts of liquor. Don't have.
- Dale 2209 Lydia: G I Forum Hispanic Veterans hold meetings there. Other clubs are near residential areas. This is a clean operation with good food. I'm in favor.
- Veronica-2615 N. Coolidge: These people don't even live in this area. Let's keep our neighborhood safe. I'm against the club, no dancing or liquor.
- Miguel Banuelos - 1915 N. Market: This place is like a community center as it's used for many events. We need this place. Approve it.
- Hank Blasé - 2302 N. Hood: The letter for the March 3rd public meeting was sent to 41 people. 150 parking spaces how will this effect the business Activity Center's parking? Where will they go? Neighbors are opposed due to the previous nightclub as it took 7 yrs. to get that one shut down. The review needs to be more than every six months.
- Students from HALO: The restaurant has done a lot for us. We live in this community and Mario is a role model for us. People haven't gone to see what it's about. This doesn't mean what happened before will happen again. There will be security both in/outside. He provides space for gatherings and we're here to support him.
- Carlos Contreras- 2218 Wellington Place: Good business owner with a great idea for entertainment. This fits in with the 21st redevelopment. In favor.
- Abel Perez-1626 Michele: Hispanic Chamber of Commerce. I'm proud to know this man. The HCC is behind small business development, training and education. I am for this and allow him to do what he needs to do.
- 2594 E. Murdock: Mexican rodeo, we have the opportunity to use the facility for meetings. Also it can be used for lots of weddings and birthdays where there is not drinking.
- Lou Evert 1748 Salina: There are tons of money for the 21st/redevelopment. Why are the neighbors trying to squash this? This is an ideal location. If this is not allowed, he will move his business and allow crime to move in. If problems arise the police will be on him. I'm in favor.
- Club San Miguel headquarters: We meet once month for Mexican Folkloric Dance Club. We are here to support and ask for you to support him.
- Gomez 1748 S. Washington: Folkloric Dance Group uses the space. Mario is in support for the community.
- 309 N. Pepperidge: I'm security for Mario, the Cotillion and the Orpheum. There will be no problems at Frida's. We will patrol parking and we are licensed/bonded to carry a weapon.
- 7815 Birdie Lane Cr: Dancing is part of the culture.
- Steve Cisneros: I grew up in the neighborhood and use this space for business. He's trying to do the right thing. I'm in support.
- A representative for the landowner of the building stated he was speaking on his behalf and was in support of Frida's. The land owner has amended his lease to not have future problems and is in favor of the request.

Miller stated the case had been deferred until the Entertainment Ordinance was approved and then it would go to City Council for their decision.

Aldrich commented this business has done everything it can to be allowed to operate.

Foster included with all the conditions that have to be considered for the Zoning case they do not include who the applicant is.

VanWalleghen stated the amendment covers conditions for any future owners. I applaud the added conditions. This is the best insurance for future use.

Meyer said violence, loud music, vandalism and disturbances took place in the parking lot with the previous owner. These additional amendments are so protective now for the neighborhood and condition #6 gives the city the power to

enforce if businesses are not following their conditions. Remember there is also the clause on his lease that if he doesn't comply with the conditions he can also be evicted from that property.

******Action:** The District VI Advisory Board (DAB) members made a motion to recommend to City Council Approval of the amendment including revisions #4, 5 and 6 as added in the staff report. (**Aldrich/Skaff 4-2 Foster/Skaff**)

A five-minute break was taken at 8:45 pm

Planning

6. CON2009-00017

The District VI Advisory Board (DAB) considered a City Conditional Use for a 300' Wireless Communication Facility on property zoned SF-5 Single-Family Residential, generally located northwest of the terminus of Seneca Street, 1/2 mile north of 40th Street North (4401 N Seneca).

The members were provided the MAPD staff report for review prior to the meeting. *Bill Longnecker*, Planner presented the case background, reviewed the staff recommendation and answered questions of members and the public.

The Board asked the following questions/comments: *responses in Italics*

- Would any other companies be allowed to use the cell tower? *There will be three other companies using the tower.*
- Would this case return to DAB each time a new provider was added? *No, this will be an automatic approval if other providers are added.*
- Will you be able to see the tower from the highway? *No, as this is an isolated area.*
- Is there anything in the area that could be damaged if the 300ft. tower was to fall? *At present nothing in the area but if the tower was to fall, Westar would repair.*
- Are the present bulk storage tanks in use? *Not sure if they are still in use.*

One member of the public spoke of his concern of the tower near the Big Ditch area. There were no other public members speaking in favor or opposition of the request.

******Action:** The District VI Advisory Board (DAB) members made a motion to recommend to City Council Approval (**VanWalleghen/Skaff 6-0**) of the conditional use request based on staff recommendations.

7. DER2009-00004

The District VI Advisory Board (DAB) considered an amendment to the *Wichita-Sedgwick County Unified Zoning Code* to establish a new use type, Motor Vehicle Impound Lot, and to delineate in which districts the use is allowed and under what conditions.

The members were provided the MAPD staff report for review prior to the meeting. *Bill Longnecker*, Planner presented the case background, reviewed the staff recommendation and answered questions of members and the public.

The Board asked the following questions/comments:

- We need something like this, but should include something separate for impounded vehicles.
- I have a concern if we eliminate the public hearing process. We need to allow people to speak how they feel about this.
- No matter what you do to these facilities they continue to look like a salvage yard.
- I would like to see a time limit on how long you can keep a stripped vehicle on the lot.
- I have a concern about acceptable screening. This needs to be more specific.
- Will they have to get a salvage lot permit from KDOT?

Members of the public responses were:

- This is not for our neighborhood.
- To have this is worse than a wrecking shop, it's a bad situation.
- Speaking for WIN (Wichita Independent Neighborhood) we need to be careful what we consider without public input. This should continue to stay under Conditional Use requests.

- There is nothing wrong with the way the amendment is now. These lots can go anywhere without our input.
- There is limited understanding of this by the public.
- I have objection of storage for vehicles.
- This could have an impact on residential properties.
- Who proposed this amendment?

*******Action:** The DAB VI members made a motion to recommend to City Council Denial (**Claycomb/Foster 5-1 Aldrich**) of the amendment change as written now. We request staff returns with an added category for this to be allowed with a conditional use and allow public input. To delineate impound vehicle lot.

Board Agenda

8. Problem Properties

- **250 N. St. Francis:** Coleman Building continues to have broken windows.
- **27th street West. of Halstead:** There are multiple buckled streets.
- **Big Ditch on the North of 25th street exit:** All-terrain vehicles are driving up there.

***** **Action:** Receive and propose appropriate action.

9. Neighborhood Reports

- **Orchard Park Neighborhood Association:** Will have their clean-up this Saturday 7-11 starting at 7:45am to noon. We can still use some volunteers and will have pizza afterwards.

***** **Action:** Receive and file.

Updates from the Council Member

Announcements

- Next DAB meeting will be on Wednesday July 15, 2009

With no further business to discuss the meeting adjourned at 9:58 p m (**Claycomb/Skaff**)

Guests

Michael Zimmerman	Twin Rivers Apts.	
Romualvo Lopez	2055 N. Mosley	
Victoria De Ola Torre	Wichita 67214	
Emma Jaso	2359 Hood	
Brandy Alcorn	2303 N. Somerset 67204	balcorn@weigandomega.com
Hank Blasé	2302 N. Hood	Welage@hotmail.com
Arce Ponce	3801 W. 13 th St. apt. 807	
Nataly Silva	2048 Flynn St.	
Briana Galvan	2401 S. Holyoke	
Richard Nelson	1632 West 22 nd St.	
Leslie Hicks	2230 Cardinal Dr.	
Theodoreko Browning	2365 Somerset Apt. 104	
Jerry Prichard	1607 N. Clarence	
Mary Steele	2638 N. Hood	
Keith D. Buchanan	2408 Somerset	
Bill Longnecker	Planning Dept.	
Rep. Delia Garcia	P.O. Box 48283 Wichita, KS.67201	delia.garcia@house.KS.gov
Mayra Gonzalez	2315 N. Fairview 67204	aryamgg25@hotmail.com
Robert McMeans	1620 W. 21 st St. N. 67203	

Sergio Devora	2539 N. Burns Ave. 67204
Kathy Dittmer	823 Litchfield for W.I.N.
Mara E. Mendez	2737 N. Keith
Rudy Villeages	2358 Somerset
Leon Salazar	2358 Garland 67204
Lou A. Everett	1748 Salina
Delora Donovan	1559 Ferrell 67203
Graciela Vaquera	4600 Brookhaven 67216
James Garcia	2364 Marigold 67204
Emira Palacios	3008 N. Fairview
Leticia Garcia	2708 N. Wedgwood
Sergio Janera	2708 S. Mead
Walter Mulles	2334 Somerset
Rigoberto Najera	2531 S. Greenwood
Diana L. Espino	1559 N. Market 67214
Gary Johnson	1620 W. 21 st St. N.
Migue Espino	1159 N. Market
Sandra Hodapp	7815 Birdie Lane Cir
Carlos Garcia	1959 S. Market
Veronica Garcia	1959 S. Market
Carlos Devora	2539 N. Burns 67204
Erasmus Vaquero	4600 Brookhaven
Guadalupe Nanera	1319 W. Alcott St.
Sergio Devora Najera	2539 N. Burns 67204
Ignacio Garcia	2708 N. Wedgewood
Francisco Javier Garcia	1935 S. Water
Jael Gomez	1748 S. Washington
Cristina Ramirez	1554 N. Market
Jeff Martin	3905 Pepper Ridge
Ana Espino	1559 N. Market 67214
Victor Cisneros	2137 N. Keith
Amelia Ornelas	2359 Garland
Ruby Contreras	2345 Garland
Noemi Devora	2539 N. Burns
Debi Hutchenson	1632 W. 22 nd St. 67204
Dale Nulik	2209 Lydia 67213
Mary Blanchat	2501 Garland 67204
Jael Bravo	2708 N. Arkansas 67204
Efren Bravo	2708 N. Arkansas 67204
Ruth Ann Timmermeyes	2537 N. Garland Ave
Lois Timmermeyer	2512 N. Somerset Ave.
Mario Quiroz	1580 N. 21 st St. N.
Julio C. Dubon	400 West Central #2822
Michael Horsley	1614 W. 22 nd #204
Floyd Williams Jr.	2335 N. Somerset #303
Julia & Jim Horning	7534 Winterberry Ct.
Enozatieek Nitche	1828 W. 18 th St. #1308
Michael Shultz	205 E. Central
Steve Ingersoll	818 Kansas Ave. Topeka, KS.
Christine Eberle	1814 Joann 67203
Doug Young	122 SW 2 nd St. Topeka. KS
Cathy Mong	943 S. Topeka Wichita 67211
Larry Monb	943 S. Topeka Wichita 67211

Mara_155@Hotmail.com

emira@sunflower.net

Malincivaz17@yahoo.com
D_gurumiha_10@yahoo.com

sergiodevora@univision.com

jaelbravo@yahoo.com

fabriseno@yahoo.com

Mchl@yahoo.com

steve.ingersoll@Westarenergy.com
NW Big River NA
doug.young@westarenergy.com

Dale Churchman	1357 S. Broadway	dale9@cox.net
James & Alice Peterson	Wichita, KS. 67204	
Anita Mendoza	Wichita, KS. 67207	N_Mendoza@live.com
Anthony Outlaw	2018 Fairview 67203	OutlawC@newmanu.edu
Claudia Najera	2531 S. Greenwood	cynajera@wichita.edu
Dora Najera	2531 S. Greenwood 67216	
Ricardo Najera	2531 S. Greenwood	
Mario Quiroz	1580 W. 21 st St. N.	Kyro522@yahoo.com
Phil Meyer	315 Ellis	

Respectfully Submitted,

Terri Dozal, Neighborhood Assistant